

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 Timothy Jackson Seeley

11 Plaintiff,

No. CIV S-04-1800 DFL CMK P

12
13 vs.

14 Teresa A. Schwartz, et al.,

15 Defendants.

16 _____/ ORDER


17 On June 11, 2005, plaintiff filed a motion titled "Opposition to the Court's Order
18 in Denieing [sic] Plaintiffs [sic] Motion for an Extension of Time." In his motion plaintiff
19 sought reconsideration of the undersigned's June 24, 2005 order denying plaintiff's request for an
20 extension of time without prejudice due to failure to serve the motion on defendants. However,
21 in his June 11, 2005 filing, plaintiff also recognizes that although he may have mailed a separate
22 copy of his earlier request for an extension to defendant's counsel, he failed to follow proper
23 procedure and demonstrate to the court that he had indeed served defendants with his motion.

24 In his July 11, 2005 filing, plaintiff included a copy of his previous motion for an
25 extension of time and included a proper certificate of service. Accordingly, the undersigned
26 construes plaintiff's July 11, 2005 motion as a motion renewing his request for an extension of

1 time to reply to defendant's motion to dismiss. The undersigned also notes that in his July 11,
2 2005 motion, plaintiff informs the court that the California Medical Facility has had a new
3 address for the past two years and advises the court and defendants to address legal mail to him at
4 the new address. Should plaintiff wish to change his address of record, he must file a proper
5 change of address with the court.

6 IT IS ORDERED that good cause appearing, plaintiff's request for an extension to
7 file a response to defendants' motion to dismiss is granted. Plaintiff is granted thirty days from
8 the date this order is served to respond to defendants' motion.

9
10 DATED: July 15, 2005.

11
12 
13 **CRAIG M. KELLISON**
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26